

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

(23) Galo Eric Quintero,

Defendant.

ORDER

Criminal File No. 05-328 (MJD/AJB)

Civil File No. 11-961 (MJD)

Steve Schleicher, United States Attorney's Office, Counsel for Plaintiff.

Galo Eric Quintero, pro se.

This matter is before the Court on Petitioner Galo Eric Quintero's Pro Se Application for Certificate of Appealability [Docket No. 897]. By this motion Petitioner moves this Court to grant him a certificate of appealability of the Court's July 22, 2011 Order, which denied his Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody [Docket No. 893]. Notably, this Court's July 22 Order, specifically addressed the issue of a certificate of appealability, and denied the issuance of such a certificate.

An applicant for a writ of habeas corpus may not take an appeal unless a judge issues a certificate of appealability under 28 U.S.C. § 2253(c); *see also* Fed. R. App. P. 22. In order for a certificate of appealability to be issued, an applicant must make a “substantial showing of the denial of a constitutional right.” 28 U.S.C. 2253(c)(2). “A substantial showing is a showing that issues are debatable among reasonable jurists, a court could resolve the issues differently, or the issues deserve further proceedings.” Cox v. Norris, 133 F.3d 565, 569 (8th Cir. 1997). The Court, in its Order denying Petitioner’s motion to vacate, set aside, or correct his sentence, addressed all colorable arguments made by Petitioner. For the reasons discussed in the Court’s previous Order the Court concludes that there is no basis upon which to grant Petitioner a certificate of appealability.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. Petitioner’s Pro Se Application for Certificate of Appealability [Docket No. 897] is **DENIED**.

Dated: August 26, 2011

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court